

STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

**DIVISION OF WATER RIGHTS**

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In the Matter of License 11070      (Application 23260B)

**Wayne R. Mack and Ann L. Mack**

**ORDER REVOKING LICENSE**

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SOURCE:      Unnamed Stream tributary to Big Kimsheew Creek

COUNTY:      Butte

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**WHEREAS:**

1. A request dated January 12, 2004 has been received from the Licensee, stating that the Licensee has requested revocation of the license by the State Water Resources Control Board (SWRCB), Division of Water Rights (Division).
2. The Division interprets the Licensee's request for revocation as a waiver of the notice and hearing requirements set forth in Water Code sections 1675 through 1675.2.
3. The SWRCB has found that Licensee failed to apply the water to beneficial use under the terms and conditions of this license.

Therefore, it is ordered that License 11070 is hereby revoked by the SWRCB, and the water is declared to be subject to appropriation. This revocation may not result in additional water being available for new appropriations if there are applicable restrictions due to past SWRCB decisions regarding water availability.

STATE WATER RESOURCES CONTROL BOARD

  
Victoria A. Whitney, Chief *for*  
Division of Water Rights

Dated:      **APR 1 5 2004**



STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

## License for Diversion and Use of Water

APPLICATION 23260b

PERMIT 15932

LICENSE 11070 (over)

THIS IS TO CERTIFY, That

WILLIAM F. ZUENDT AND DIANE E. ZUENDT  
102 ALTA STREET, #1, SAN FRANCISCO, CALIFORNIA 94133

HAVE made proof as of SEPTEMBER 5, 1979 (the date of inspection)  
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of  
AN UNNAMED STREAM IN BUTTE COUNTY

tributary to BIG KIMSHEW CREEK THENCE WEST BRANCH FEATHER RIVER THENCE LAKE GROVILLE

for the purpose of RECREATIONAL AND FIRE PROTECTION USES  
under Permit 15932 of the Board and that the right to the use of this water has been perfected  
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the  
priority of this right dates from APRIL 14, 1969 and that the amount of water to which  
this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated  
purposes and shall not exceed TWENTY-SEVEN HUNDREDTHS (0.27) ACRE-FOOT PER ANNUM, TO  
BE COLLECTED FROM OCTOBER 1 OF EACH YEAR TO JUNE 1 OF THE SUCCEEDING YEAR.

AFTER THE INITIAL FILLING OF THE RESERVOIR, LICENSEE'S RIGHT UNDER THIS  
LICENSE EXTENDS ONLY TO WATER NECESSARY TO KEEP THE STORAGE RESERVOIR FULL BY  
REPLACING WATER LOST BY EVAPORATION AND SEEPAGE, AND TO REFILL IF EMPTIED FOR  
NECESSARY MAINTENANCE OR REPAIR.

THIS LICENSE DOES NOT AUTHORIZE COLLECTION OF WATER TO STORAGE OUTSIDE OF THE  
SPECIFIED SEASON TO OFFSET EVAPORATION AND SEEPAGE LOSSES OR FOR ANY OTHER PURPOSE.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

NORTH 1,030 FEET AND WEST 1,450 FEET FROM SE CORNER OF SECTION 29, T25N, R5E,  
MDB&M, BEING WITHIN SW1/4 OF SE1/4 OF SAID SECTION 29.

A DESCRIPTION OF LANDS OR THE PLACE WHERE  
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

AT RESERVOIR WITHIN LOT 7 OF UNIT 3, BALSAM MEADOWS SUBDIVISION, BEING WITHIN  
SW1/4 OF SE1/4 OF SECTION 29, T25N, R5E, MDB&M.

THE QUANTITY OF WATER DIVERTED UNDER THIS LICENSE IS SUBJECT TO MODIFICATION BY  
THE STATE WATER RESOURCES CONTROL BOARD, IF, AFTER NOTICE TO THE LICENSEE AND AN  
OPPORTUNITY FOR HEARING, THE BOARD FINDS THAT SUCH MODIFICATION IS NECESSARY TO MEET  
WATER QUALITY OBJECTIVES IN WATER QUALITY CONTROL PLANS WHICH HAVE BEEN OR HEREAFTER  
MAY BE ESTABLISHED OR MODIFIED PURSUANT TO DIVISION 7 OF THE WATER CODE. NO ACTION  
WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD FINDS THAT (1) ADEQUATE  
WASTE DISCHARGE REQUIREMENTS HAVE BEEN PRESCRIBED AND ARE IN EFFECT WITH RESPECT TO  
ALL WASTE DISCHARGES WHICH HAVE ANY SUBSTANTIAL EFFECT UPON WATER QUALITY IN THE  
AREA INVOLVED, AND (2) THE WATER QUALITY OBJECTIVES CANNOT BE ACHIEVED SOLELY THROUGH  
THE CONTROL OF WASTE DISCHARGES.

Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

Pursuant to California Water Code Section 100 all rights and privileges under this license, including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

This continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to minimizing waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (3) suppressing evaporation losses from water surfaces; (4) controlling phreatophytic growth; and (5) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: **NOVEMBER 26 1980**

**STATE WATER RESOURCES CONTROL BOARD**

*L. C. Spencer*  
Chief, Division of Water Rights